

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL CARDORA ROBERSON

Plaintiffs,

V.S

COMPLAINT

Civil Action No. _____

JOE MORGAN Senior Practice Manager

ANGELA COOLING Cluster Nurse Manager

TIFFANY BOWENS Nurse

Bridget E. Payne Correctional officer

Thomas H. Butler Lieutenant

Timothy C. Knott Sergeant

Richard A. Gunnels Warden I

Debra R. Booker Asst. Warden

individually and in their
official capacities,

United States Courts
Southern District of Texas
FILED

APR 13 2020

David J. Bradley, Clerk of Court

I. JURISDICTION & VENUE

This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation. Under Color of State law. of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202.

Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of civil Procedure.

The Southern District of Texas Houston Division, is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFFS

Plaintiff, Michael Cardora Roberson, is and was at all times mentioned herein a prisoner of the State of Texas in the custody of the Texas Department of Corrections. He is currently confined in McConnell Unit, in Beeville, Texas.

III. DEFENDANTS

Defendants Joe Morgan is a UTMB Senior Practice Manager of the Texas Department of Corrections who, He is personally responsible for the violation of my rights. Joe Morgan deliberate indifference to plaintiff's Michael Cardora Roberson serious medical needs violated plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

My Constitutional rights were violated; and the violation was "Clearly established", He at all times mentioned in this Complaint, held the rank of Senior Practice Manager and was assigned to Holliday Unit.

Defendants Angela Cooling is a UTMB Cluster Nurse Manager of the Texas Department of Corrections who, She is personally responsible for the violation of my rights. Angela Cooling deliberate indifference to plaintiff's Michael Cardora Roberson serious medical needs violated plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

My Constitutional rights were violated; and the violation was "Clearly established", She at all times mentioned in this Complaint, held the rank Cluster Nurse Manager and was assigned to Holliday Unit.

Defendants Tiffany Bowens is a UTMB Nurse of the Texas Department of Corrections who, She is personally responsible for the violation of my rights. Tiffany Bowens deliberate indifference to plaintiff's Michael Cardora Roberson serious Medical needs violated plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

My Constitutional rights were violated, and the violation was "Clearly established," She at all times mentioned in this Complaint, held the rank of Nurse and was assigned to Holliday Unit.

Defendants, Bridget E. Payne is a Correctional officer of the Texas Department of Corrections who, She is personally responsible for the violation of my rights. Bridget E. Payne deliberate indifference to plaintiff's Michael Cardora Roberson failed-to-protect. violated plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

My Constitutional rights were violated, and the violation was "Clearly established," She at all times mentioned in this Complaint, held the rank of Correctional officer and was assigned to Holliday Unit.

Defendants, Richard A. Gunnel's is the Warden I of the Holliday Unit. He is personally responsible for the violation of my rights and the violation was "Clearly established," and he is legally responsible for the operation of Holliday Unit and for the welfare of all the inmates in that prison. My Constitutional right were violated under the Eighth Amendment of the United States Constitution.

Defendants, Debra R. Booker is the Asst. Warden of the Holliday Unit. She is personally responsible for the violation of my rights and the violation was "Clearly established," and she is legally responsible for the operation of Holliday Unit and for the welfare of all the inmates in that prison. My Constitutional rights were violated under the Eighth Amendment of the United States Constitution.

Defendants, Thomas H. Butler is a Correctional officer of the Texas Department of Corrections who. He is personally responsible for the violation of my rights and the violation was "Clearly established," my Constitutional rights were violated under the Eighth Amendment of the United States Constitution. He, at all times mentioned in this Complaint, held the rank of Lieutenant and was assigned to Holliday Unit.

Defendants, Timothy C. Knott is a Correctional officer of the Texas Department of Corrections who. He is personally responsible for the violation of my rights and the violation was "Clearly established," my Constitutional rights were violated under the Eighth Amendment of the United States Constitution. He, at all times mentioned in this Complaint, held the rank of Sergeant and was assigned to Holliday Unit.

Each defendant is sued individually and in his[or her] official capacity. At all times mentioned in this Complaint each defendant acted under the color of state law.

III. FACTS

At all times relevant to this case, plaintiff Michael Cardora Roberson, was assaulted by offender Branford in Dayroom E3 building and Bridget E. Payne Correctional officer Failed-to-protect me.

I told her ahead of time that I was about to be in danger. She knew that there was a substantial risk that I would be seriously harmed, and failed to respond reasonably to protect me. Which is a "Deliberate Indifference".

I was negligented by Tiffany Bowens she is a Medical Nurses she showed deliberate indifference to my serious medical needs.

On the day of 1-8-18 at 6:30am Location: NF Dayroom E3 at Holliday Unit a inmate jumped on me in the middle of the Dayroom his last name is offender Branford #2167913 he was punching me repeatedly in my ribs and kicking me in the ribs.

I was then taking to Medical on the same day of 1-8-18. I told the nurse which was Tiffany Bowens that I was in real bad pain and that I needed a x-ray.

LT. Thomas H. Butler and also SGT. Timothy C. Knott curse me out and told me, Stop bitching for they give me something to cry about.

The nurse said I was not in pain and that there was not Result of any injuries after the fight. So they refused me a x-ray on 1-8-18. Also which they showed a deliberate indifference to requested of serious medical needs.

The SGT and also L.T. officer both told me to get up ain't nothing wrong with you.

And had me to be lock up in Seg. for 10 days but in all is stayed 15 days due to the snow.

I was in real bad pain back there i could not get up to pick up my tray's to eat for days.

I justed stayed in the bed.

I finally got the strenght to write a I-60's back to medical for a x-ray for my side's.

It took almost a month to get a x-ray. When i finally got it my x-ray's for my side showed I had 2 Fracture Ribs on the right side.

I could of died of a puncture lugs and bleed to death.

IV. EXHAUSTION OF LEGAL REMEDIES

Plaintiff Michael Cardora Roberson used the prisoner grievance procedure available at Holliday Unit at Texas State Prison to try and solve the problem. On 1-31-18 plaintiff Michael Cardora Roberson presented the facts relating to this Complaint. On Feb 14, 2018 plaintiff Michael Cardora Roberson was sent a response saying that the grievance had been denied. On 2-27-18 he appealed the denial of the grievance to the warden.

V. LEGAL CLAIMS

Plaintiffs reallege and incorporate by reference paragraphs (III. FACTS),

Defendant, Joe Morgan Senior Practice Manager failed in his Supervisor Capacity. By failing caused deliberate indifference to plaintiff's serious medical needs violated plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

Defendant, Joe Morgan actions were "motivated by evil motive and intent" and involved "reckless and callous indifference to my rights. He had delay me on purpose, and did something so clearly dangerous, and he know it was likely to hurt me.

Defendant, Joe Morgan action violated Plaintiff Michael Cardora Roberson rights under Eighth Amendment to the United States Constitution and caused Plaintiff Michael Cardora Roberson pain, suffering, physical injury and emotional distress.

Defendant, Angela Cooling She failed to as administrator as Cluster Nurse Manager. By failing caused deliberate indifference to plaintiffs serious medical needs violated plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

Defendant, Angela Cooling actions were "motivated by evil motive and intent" and involved "reckless and callous indifference to my rights. She had delay me on purpose, and did something so clearly dangerous, and she know it was likely to hurt me.

Defendant, Angela Cooling actions violated Plaintiff Michael Cardora Roberson rights under Eighth Amendment to the United States Constitution and caused Plaintiff Michael Cardora Roberson pain, suffering, physical injury and emotional distress.

Defendant, Tiffany Bowens She failed as a UTMB RN Nurse. By failing caused deliberate indifference to plaintiffs serious medical needs violated plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

Defendant Tiffany Bowens actions were "motivated by evil motive and intent" and involved "reckless and callous indifference to my rights. She had delay me on purpose, and did something so clearly dangerous, and she know it was likely to hurt me.

Defendant Tiffany Bowens actions violated Plaintiff Michael Cardora Roberson rights under Eighth Amendment to the United States Constitution and caused Plaintiff Michael Cardora Roberson pain, suffering, physical injury and emotional distress.

Defendant Bridget E. Payne failed to protect me from the assault of the inmate. Violated plaintiff Michael Cardora Roberson rights and Constituted cruel and unusual punishment, under the Eighth Amendment to the United States Constitution by the negligent and Deliberate indifference.

Defendant Bridget E. Payne actions were "motivated by evil motive and intent" and involved "reckless and callous indifference to my rights. She had failed to protect me from the assault of the inmate on purpose and did something so clearly dangerous, and she knew it was likely to hurt me.

Defendant Bridget E. Payne actions violated Plaintiff Michael Cardora Roberson rights under Eighth Amendment to the United States Constitution and caused Plaintiff Michael Cardora Roberson pain, suffering, physical injury and emotional distress.

Defendant Thomas H. Butler threatening me with physical violence. Retaliating against Plaintiff Michael Cardora Roberson unlawfully. Violated Plaintiff Michael Cardora Roberson rights and Constituted cruel and unusual punishment, under the Eighth Amendment to the United States Constitution.

Defendant Thomas H. Butler actions were "motivated by evil motive and intent" and involved "reckless and callous indifference to my rights. He threatening me with physical violence and retaliating against Plaintiff Michael Cardora Roberson unlawfully on purpose, and did something so clearly dangerous, and he knew it was likely to hurt me.

Defendant Thomas H. Butler action violated Plaintiff Michael Cardora Roberson rights under Eighth Amendment to the United States Constitution, and caused Plaintiff Michael Cardora Roberson pain, suffering, physical injury and emotional distress.

Defendant Timothy C. Knott threatening me with physical violence. Retaliating against Plaintiff Michael Cardora Roberson unlawfully, violated Plaintiff Michael Cardora Roberson rights and constituted cruel and unusual punishment, under the Eighth Amendment to the United States Constitution.

Defendant Timothy C. Knott actions were "motivated by evil motive and intent" and involved "reckless and callous indifference to my rights. He threatening me with physical violence and retaliating against Plaintiff Michael Cardora Roberson unlawfully on purpose, and did something so clearly dangerous, and he know it was likely to hurt me.

Defendant Timothy C. Knott action violated Plaintiff Michael Cardora Roberson rights under Eighth Amendment to the United States Constitution, and caused Plaintiff Michael Cardora Roberson pain, suffering, physical injury and emotional distress.

Defendant Richard A. Gunnels deliberate indifference violated plaintiff Michael Cardora Roberson rights and constituted cruel and unusual punishment, under the Eighth Amendment to the United States Constitution. It was "Clearly Established"

Defendant Richard A. Gunnels directly participated in the violation, and learned of the violation of my rights and failed to do anything to fix the situation, he created a policy and custom allowing and encouraging the illegal acts also he failed to adequately train and supervise his or her subordinates.

Defendant Richard A. Gunnels actions were "motivated by evil motive and intent" and involved "reckless and callous indifference to my rights. He had violated my rights on purpose and did something so clearly dangerous, and he knew it was likely to hurt me.

Defendant Richard A. Gunnels action violated Plaintiff Michael Cardora Roberson rights under Eighth Amendment to the United States Constitution and caused Plaintiff Michael Cardora Roberson pain, suffering, physical injury and emotional distress.

Defendant Debra R. Booker deliberate indifference violated plaintiff Michael Cardora Roberson rights and constituted cruel and unusual punishment, under the Eighth Amendment to the United States Constitution. It was "Clearly Established".

Defendant Debra R. Booker directly participated in the violation, and learned of the violation of my rights and failed to do anything to fix the situation. She created a policy and custom allowing and encouraging the illegal acts also she failed to adequately train and supervise his or her subordinates.

Defendant Debra R. Booker actions were "motivated by evil motive and intent" and involved "reckless and callous indifference to my rights. She had violated my rights on purpose and did something so clearly dangerous, and she knew it was likely to hurt me.

Defendant Debra R. Booker action violated plaintiff Michael Cardora Roberson right under Eighth Amendment to the United States Constitution and caused Plaintiff Michael Cardora Roberson pain, suffering, physical injury and emotional distress.

The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:

A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution and laws of the United States.

A preliminary and permanent injunction ordering defendants Joe Morgan, Angela Cooling, Tiffany Bowers, Bridget E. Payne, Richard A. Gunnels, Debra R. Booker, Thomas H. Butler, Timothy C. Knott to stop the defendants from harassment, Inadequate medical care and continuing violation of any of my rights and a unsafe conditions. To improve conditions and care in the prison. and to stop failing to protect you from being attacked by another prisoner. And to place me in protective custody.

Compensatory damages in the amount of \$120,000⁰⁰ jointly which is \$15,000⁰⁰ against each defendants Severally.

Punitive damages in the amount of \$1,000⁰⁰ against each defendant.

A jury trial on all issues triable by jury.

Plaintiffs costs in this suit.

Any additional relief this court deems just, proper, and equitable.

Dated: April 1, 2020

Respectfully Submitted,

MICHAEL CARDORA ROBERSON
Michael Cardora Roberson

McConnell Unit

3001 S. Emily Drive

Beeville, Tx 78102

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Beeville, Tx on April 1, 2020

MICHAEL CARDORA ROBERSON